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MAILED : June 1, 2007

*In re* Patent No. 6,723,568

LIU ET AL.

Issue Date: April 20, 2004

Appl No.: 09/679,936

Filed: October 05, 2000

For: **METHOD AND APPARATUS FOR CASCADE  
IMPACTOR TESTING OF INHALABLE  
DRUG THERAPIES RECOVERY FOR  
CHEMICAL ANALYSIS**

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:  
: **DECISION GRANTING**  
: **PETITION**  
: **37 CFR 1.324**  
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This is a decision on the petition filed August 15, 2005 to correct inventorship under 37 CFR 1.324.

On August 15, 2005, the present petition and authorization to charge counsel's credit card for the \$130.00 petition fee were filed. Petitioners request amendment of the inventorship to include Nicholas C. Miller. In support of the petition, a statement from inventor Miller that the error in inventorship occurred without deceptive intention on his part, has been included. Also submitted were statements from the other inventors and the assignee agreeing to the change. Petitioners request that inventors Liu, Marple, Roberts and Miller be named as the actual inventors of the above-identified patent.

37 CFR § 1.324 states, in part:

(a) *Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his or her part, the Commissioner may, on petition, or on order of a court before which such matter is called in question, issue a certificate naming only the actual inventor or inventors. A petition to correct inventorship of a patent involved in an interference must comply with the requirements of this section and must be accompanied by a motion under § 1.634.*

(b) *Any petition pursuant to paragraph (a) of this section must be accompanied by:*

(1) *Where one or more persons are being added, a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part;*

(2) *A statement from the current named inventors who have not submitted a*

*statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change;*

*(3) A statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter; and*

*(4) The fee set forth in § 1.20(b).*

A review of the record reveals that petitioner has complied with all the conditions in 37 CFR § 1.324. The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming the actual inventors.



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